



**ENVIRONMENTAL ASSESSMENT
404(b)(1) EVALUATION
STATEMENT OF FINDINGS
FINDINGS OF NO SIGNIFICANT IMPACT
PUBLIC INTEREST REVIEW**

PERMIT APPLICATION NUMBER:

200X-XXXXXX-CJL

APPLICANT:

Name
Organization
Address
City, State, Zip

Prepared by:

Kathleen Tucker
Project Manager

Date

Reviewed by:

Cindy Lester P.E.
Chief, Arizona Section
Regulatory Branch

Date

Approved by:

David Castanon
Chief, Regulatory Branch

Date

This document constitutes my Environmental Assessment, Statement of Findings, Findings of No Significant Impact, review and compliance determination according to the 404(b)(1) guidelines, and Public Interest Review for the proposed work (applicant's preferred alternative) described in the attached public notice

I. Proposed Project

The location and description of work are described in the attached Corps of Engineers' (Corps') public notice.

A. Changes to the proposed project since circulation of the public notice

1. Why a new public notice was not necessary

B. Specific activity that requires a Department of the Army permit

C. Purpose and Need

1. Applicant's Stated Purpose and Need

2. Corps' Determination of Overall Project Purpose (404(b)(1) Alternatives Analysis)

3. Corps' Determination of Basic Project Purpose (Water Dependency Test)

D. Scope of Analysis under National Environmental Policy Act (NEPA)

E. Alternatives (33 CFR 320.4(b)(4), 40 CFR 230.10)

1. No action

2. Sequenced search for less environmentally damaging alternatives

a. **Other Sites**

b. **Other project designs**

II. NEPA Environmental Factors and Public Interest Factors Considered

A. Anticipated changes to the physical/chemical characteristics of the aquatic environment

1. **Substrate**

2. **Currents, Circulation or Drainage Patterns**

3. **Suspended Particulates; Turbidity**

4. **Water Quality (Temperature, Salinity Patterns and Other Parameters)**

5. **Flood Control Functions**

6. **Storm, Wave and Erosion Buffers**

7. **Erosion and Accretion Patterns**

8. **Aquifer Recharge**

9. **Baseflow**

10. **Mixing Zone, in light of the depth of water at the disposal site; current velocity, direction and variability at the disposal site; degree of turbulence; water column stratification; discharge vessel speed and direction; rate of discharge; dredged material characteristics; number of discharges per unit of time; and any other relevant factors affecting rates and patterns of mixing**

B. Anticipated Changes to the Biological Characteristics of the Aquatic Environment

1. Special Aquatic Sites (wetlands, mudflats, coral reefs, pool and riffle areas, vegetated shallows, sanctuaries and refuges, as defined in 40 CFR 230.40-45)

2. Habitat for Fish and Other Aquatic Organisms

3. Wildlife Habitat (breeding, cover, food, travel, general)

4. Endangered or Threatened Species

a. Listed endangered and/or threatened species or designated critical habitat present on site:

b. Proposed listed endangered and/or threatened species or proposed critical habitat present on site:

c. Compliance with ESA - Formal/Informal consultation or conference:

5. Biological availability of possible contaminants in dredged or fill material, considering hydrography in relation to known or anticipated sources of contaminants; results of previous testing of material from the vicinity of the project; known significant sources of persistent pesticides from land runoff or percolation; spill records for petroleum products or designated (Section 311 of the CWA) hazardous substances; other public records of significant introduction of contaminants from industries, municipalities or other sources

6. General Environmental Concerns

C. Anticipated Changes to the Human Use Characteristics of the Aquatic Environment:

1. Existing and Potential Water Supplies; Water Conservation

2. Commercial or Recreational Fisheries

3. Other water related recreation

4. Aesthetics of the Aquatic Ecosystem

5. Parks, National and Historic Monuments, National Seashores, Wild and Scenic Rivers, Wilderness Areas, Research Sites, etc.

6. Traffic/Transportation Patterns

7. Energy Consumption or Generation

8. Navigation

9. Safety

10. Air Quality

11. Noise

12. Historic Properties

13. Land Use Classification

14. Economics

15. Prime and Unique Farmland (7 CFR Part 658)

16. Food and Fiber Production

17. General Water Quality

18. Mineral Needs

19. Consideration of Private Property

20. Conservation

21. Other

D. Other Anticipated Changes to Non-jurisdictional Areas That Have Been Determined to be Within the Corps' NEPA Scope of Analysis

E. Summary of Indirect and Cumulative Effects from the Proposed Permit Action

F. Other Cumulative Effects Not Related to the Proposed Permit Action

1. Occurred On-site Historically

2. Likely to Occur Within the Foreseeable Future

3. Contextual Relationship Between the Proposed Action and (1) and (2) Above

G. Mitigation Proposed by Applicant

1. Avoidance, Minimization, Compensation Sequence

2. Is Mitigation Used To Reduce Any Impact to Below Significance

III. Findings

A. Status of Other Authorizations and Legal Requirements

1. Water Quality Certification

2. Compliance with Section 106 of the National Historic Preservation Act

3. Compliance with the Endangered Species Act

4. Compliance with Section 176(c)(General Conformity Rule review) of the Clean Air Act

The proposed permit has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit.

5. State and/or Local Authorizations

B. Corps Public Notice and Comment Process

The permit application was complete on . A public notice describing the project was issued on and sent to all interested parties (mailing list), including appropriate state and Federal agencies. All comments received on this action have been reviewed and are summarized below.

1. Summary of Comments Received

a. Federal Agencies

1) U.S. Environmental Protection Agency (EPA):

2) U.S. Fish and Wildlife Service (FWS):

3) National Marine Fisheries Service (NMFS):

b. State and Local Agencies

1) Arizona Game and Fish Department:

2) State Historic Preservation Officer:

3) Arizona Department of Environmental Quality:

c. Other Organizations and Individuals

d. Requests for Public Hearings

2. Evaluation

I have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning this permit application as well as the stated views of other interested agencies and the concerned public. In doing so, I have considered the possible consequences of this proposed work in accordance with regulations published in 33 CFR Part 320 to 330 and 40 CFR Part 230. The following paragraphs include our evaluation of comments received and of how the project complies with the above cited regulations.

a. Consideration of Comments

b. Evaluation of Compliance with 404(b)(1) guidelines (restrictions on discharge, 40 CFR 230.10). (A check in a block denoted by an asterisk indicates that the project does not comply with the guidelines.)

Yes	No	
-----	-----	1) Alternatives Test
*		a) Based on the discussion in II B, are there available, practicable alternatives having less adverse impact on the aquatic ecosystem and without other significant adverse environmental consequences that do not involve discharges into "waters of the United States" or at other locations within these waters?
	*	b) Based on II B, if the project is in a special aquatic site and is not water-dependent, has the applicant clearly demonstrated that there are no practicable alternative sites available?
-----	-----	2. Special Restrictions. Will the discharge:
*		a) violate state water quality standards?
*		b) violate toxic effluent standards (under Section 307 of the Act)?
*		c) jeopardize endangered or threatened species or their critical habitat?
*		d) violate standards set by the Department of Commerce to protect marine sanctuaries?
	*	e) Evaluation of the information in II C and D above indicates that the proposed discharge material meets testing exclusion criteria for the following reason(s). () based on the above information, the material is not a carrier of contaminants () the levels of contamination are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants will not be transported to less contaminated areas () acceptable constraints are available and will be implemented to reduce contamination to acceptable levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site
-----	-----	3) Other restrictions. Will the discharge contribute to significant degradation of "waters of the U.S." through adverse impacts to:
*		a) human health or welfare, through pollution of municipal water supplies, fish, shellfish, wildlife and special aquatic sites?
*		b) life states of aquatic life and other wildlife?
*		c) diversity, productivity and stability of the aquatic ecosystem, such as the loss of fish or wildlife habitat, or loss of the capacity of wetland to assimilate nutrients, purify water or reduce wave energy?
*		d) recreational, aesthetic and economic values?
	*	4) Actions to minimize potential adverse impacts (mitigation). Will all appropriate and practicable steps (40 CFR 23.70-77) be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem? (Proposed Special conditions follow table.)

(Proposed Special Conditions)

c. Public Interest Review, General Criteria (33 CFR 320.4(a))

- 1) The relative extent of the public and private need for the proposed structure or work**
- 2) Where there are unresolved conflicts as to resource use, the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed structure of work**
- 3) The extent and permanence of the beneficial and/or detrimental effects which the proposed structures or work is likely to have on the public and private uses to which the area is suited**

3. Determinations

a. Finding of No Significant Impact (FONSI) (33 CFR Part 325)

Having reviewed the information provided by the applicant, all interested parties and our assessment of environmental impacts contained in part II B of this document, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. 404(b)(1) Compliance/Noncompliance Review (40 CFR 230.12)

- () The discharge complies with the guidelines. The proposed project is the least environmentally damaging practicable alternative (LEDPA).
- () All of the appropriate and practicable conditions listed in III.B.2.b.4 to minimize pollution or adverse effects to the affected ecosystem have been included as part of the proposed action or were required by special conditions of the permit. This revised and/or conditioned project is the LEDPA.
- () The discharge fails to comply with the requirements of these guidelines because:
 - () There is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem and that alternative does not have other significant adverse environmental consequences.
 - () The proposed discharge will result in significant degradation of the aquatic ecosystem under 40 CFR 230.10(b) or (c).
 - () The discharge does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem, namely...

- () There is not sufficient information to make a reasonable judgement as to whether the proposed discharge will comply with the guidelines.

c. Public Interest Determination

I find that issuance of a Department of the Army permit (with special conditions), as prescribed by regulations published in 33 CFR Parts 320 to 330, and 40 CFR Part 230, is not contrary to the public interest.